

Application No.: 09/994,598

7

Docket No.: 425282000201

REMARKS

Claims 1-16, 29-33 and 50-55 were pending in the present application. By virtue of this response, claims 1, 29, 31-33, 50, 51, and 55 have been amended, and no new claims have been added or cancelled. Support for these amendments may be found throughout the Specification, and particularly in paragraphs [0038] and [0089]. Accordingly, claims 1-16, 29-33 and 50-55 are currently under consideration.

Interview with the Examiner on October 7, 2005

The Applicants thank the Examiner for his helpful interview of October 7, 2005. As the Examiner proposed, the Applicants herein amend the claims to clarify that the detector recited in the pending claims measures the electromagnetic energy radiated from the applicator. Thus, independent claims 1, 29 and 50, as well as dependent claims 31-33, 51, and 55 have been amended to reflect this clarification.

In view of the preceding amendments, the Applicants believe that the present application is in condition for allowance.

35 U.S.C. § 112, Second Paragraph

Claims 1-16 stand rejected under 35 U.S.C. § 112, second paragraph for allegedly being indefinite as failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Following the telephone interview with the Examiner, wherein it was pointed out that the claims recited apparatuses and methods that measure the electromagnetic energy *radiated* from the applicator, and that this is supported by the disclosure, this 35 U.S.C. §112, second paragraph rejection has been mooted. Applicants respectfully request withdrawal of this rejection.

pa-988225

Application No.: 09/994,598

8

Docket No.: 425282000201

35 U.S.C. §102(b)

Claims 29, 31, 50 and 51 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,584,863 to Rauch et al. ("Rauch"). As discussed above and during the interview with the Examiner on October 7, 2005, the pending claims recite features of measuring the electromagnetic energy *radiated* from the applicator. This feature is neither shown nor described in Rauch. Thus, the Applicants respectfully request withdrawal of the 35 U.S.C. §102(b) rejection of claims 29, 31, 50 and 51 over Rauch.

35 U.S.C. §103(a)

Claims 2-4, 8, 9, 16, 30, 32, 33, 52 and 53 stand rejected under 35 U.S.C. §103 as being allegedly obvious over Rauch et al. As described above, Rauch does not teach or suggest features for measuring the electromagnetic energy *radiated* from the applicator, as recited by the pending claims. Thus, the Rauch cannot anticipate the pending claims, for at least this reason. The Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejection of claims 2-4, 8, 9, 16, 30, 32, 33, 52 and 53 over Rauch.

Further, claims 10-15 stand rejected as obvious over Rauch in view of U.S. 4,619,264 to Singh ("Singh"). As described, Rauch does not teach or suggest features for measuring the electromagnetic energy *radiated* from the applicator, as recited by the pending claims. Since Singh cannot cure this deficiency, the pending claims cannot be obvious in light of the combination of Rauch and Singh. Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejection of claims 10-15.

pa-988225

Application No.: 09/994,598

9

Docket No.: 425282000201


CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 425282000201. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: October 7, 2005

Respectfully submitted,

By 
Rick Shoop
Registration No.: 45,763

MORRISON & FOERSTER LLP
755 Page Mill Road
Palo Alto, California 94304-1018
(650) 813-5804

pa-988225